

ZONING ADMINISTRATOR HEARING AGENDA

**CITY OF NEWPORT BEACH
COUNCIL CHAMBERS – 3300 NEWPORT BOULEVARD
Thursday, December 2, 2010
Regular Meeting – 3:30 p.m.**

**Gregg Ramirez
Zoning Administrator**

NOTICE TO THE PUBLIC

HEARING ITEMS

ITEM NO. 1. Modification Permit No. MD2010-022 (PA2010-157)
1729 Port Abbey Place Council District 7

SUMMARY: Duarte Modification - A modification permit to retain an existing exterior fireplace that encroaches into the side setback, and to retain an existing accessory building that encroaches into the rear setback. The property is located in the PC-3 (Harbor View Hills) District.

**RECOMMENDED
ACTION:**

- 1) Conduct public hearing; and
- 2) Approve Modification Permit No. MD2010-022 (PA2010-157) subject to the recommended findings and conditions.

**CEQA
COMPLIANCE:** The project is exempt from environmental review pursuant to Section 15303, Class 3 (New Construction or Conversion of Small Structures) of the Implementing Guidelines of the California Environmental Quality Act.

ITEM NO. 2. Use Permit No. UP2010-027 (PA2010-136)
211 62nd Street Council District 2

SUMMARY: Eat Chow Restaurant - A use permit application for a restaurant with a Type 41 ABC License (Beer and Wine). The proposed hours of operation are from 7 a.m. to 11 p.m. The proposed restaurant will be located in a suite that was previously a restaurant and is expanding into the adjacent suite (213A), which was previously a nail salon. The property is located in the SP-4 (Newport Shores Specific Plan) District.

**RECOMMENDED
ACTION:**

- 1) Conduct public hearing; and
- 2) Approve Use Permit No. UP2010-027 (PA2010-136) subject to the recommended findings and conditions.

**CEQA
COMPLIANCE:** The project is exempt from environmental review pursuant to Section 15301, Class 1 (Existing Facilities) of the Implementing Guidelines of the California Environmental Quality Act.

ITEM NO. 3.

Modification Permit No MD2010-016 (PA2010-130)
8 Via Burrone

Council District 6

SUMMARY:

8 Via Burrone Modification - A modification permit to allow retention of an over-height, "as built" privacy wall and entry gates which encroaches to 10 feet into the required 10-foot front yard setback. As measured from natural grade, the accessory structure consists of the following elements: stucco-finished walls (to 7-feet 8-inches high), 2 stucco-finished pilasters (to 8-feet 10-inches high), 4 stucco finished pilasters (to 9-feet 11-inches high), 6 wrought-iron, decorative lamps (one lamp attached to each of 4 pilasters 8-feet 8-inches high and one lamp attached to each of 2 pilasters 7-feet 8-inches high), a wrought-iron entry gate (to 8-feet 10-inches high), and 2 fountains (each to 5-feet 8-inches high). The Zoning Code limits accessory structures within the front yard setback to a maximum height of 3-feet 6-inches.) The property is located in the PC-52 (Newport Coast) District.

RECOMMENDED**ACTION:**

- 1) Conduct public hearing; and
- 2) Approve Modification Permit No MD2010-016 (PA2010-130) subject to the recommended findings and conditions.

CEQA**COMPLIANCE:**

The project is exempt from environmental review pursuant to Section 15303, Class 3 (New Construction or Conversion of Small Structures) of the Implementing Guidelines of the California Environmental Quality Act.

This hearing is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Zoning Administrator's agenda be posted at least 72 hours in advance of each hearing and that the public be allowed to comment on agenda items before the Zoning Administrator and items not on the agenda but are within the subject matter jurisdiction of the Zoning Administrator. The Zoning Administrator may limit public comments to a reasonable amount of time, generally either three (3) or five (5) minutes per person.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this hearing, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. Please contact the Planning Department at least 48 hours prior to the hearing to inform us of your particular needs and to determine if accommodation is feasible.

If in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.

Any writings or documents provided to the Zoning Administrator regarding any item on this agenda will be made available for public inspection in the office of the Planning Department located at 3300 Newport Boulevard, during normal business hours.

APPEAL PERIOD: Modification Permit applications do not become effective until 14 days after the date of action, during which time an appeal may be filed with the Planning Commission Secretary in accordance with the provisions of the Newport Beach Municipal Code.

Tentative Parcel Map, Condominium Conversion, Lot Merger, and Lot Line Adjustment applications do not become effective until 10 days following the date of action, during which time an appeal may be filed with the Planning Commission Secretary in accordance with the provisions of the Newport Beach Municipal Code.